SUPREME COURT MINUTES WEDNESDAY, SEPTEMBER 4, 2002 SAN FRANCISCO, CALIFORNIA

The Supreme Court of California convened in the courtroom of the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on September 4, 2002, at 9:00 a.m.

Present: Chief Justice Ronald M. George, presiding, and Associate Justices Kennard, Baxter, Werdegar, Chin, Brown, and Moreno.

Officers present: Frederick K. Ohlrich, Clerk; and Brian Clearwater, Calendar Coordinator.

S097445 Richard W. Katzberg, M.D., Plaintiff and Appellant

V.

The Regents of the University of California et al., Defendants and Respondents

Cause called. Dan Siegel argued for Appellant.

Paul D. Fogel argued for Respondent.

Mr. Siegel replied.

Cause submitted.

S094248 Christine Degrassi, Plaintiff and Appellant

V.

Arthur Cook et al., Defendants and Respondents

Cause called. Robert L. Kern opened argument for Appellant.

Terry Franke, appearing for Amicus Curiae California First

Amendment Coalition, continued argument for Appellant.

Richard Terzian argued for Respondent Cook.

Daniel P. Barer argued for Respondent Burke, Williams and Sorensen.

Mr. Kern replied.

Cause submitted.

Chief Justice George and Justice Werdegar, not participating in consideration of the following case did not take the bench.

The Honorable Gilbert Nares, Associate Justice, Court of Appeal, Fourth District, Division One and the Honorable Michael G. Nott, Associate Justice, Court of Appeal, Second District, Division Two, sitting on the following case under assignment by the Chairperson of the Judicial Council, joined the Court at the bench.

S098266 Cadence Design Systems, Plaintiff and Appellant

V.

AVANT! Corporation, Defendant and Appellant

Cause called. Jeffrey R. Chanin opened argument for Plaintiff and Appellant.

Bernard Burk, appearing for Amicus Curiae Oracle, Xilinx and 3Com, continued argument for Plaintiff and Appellant.

Daniel H. Bookin argued for Defendant and Appellant.

Mr. Chanin replied.

Cause submitted.

Court recessed until 1:30 p.m. this date.

Court reconvened pursuant to recess. Members of the Court and Officers present as first shown.

Justices Nott and Nares, not participating in the following matters, do not join the bench. The Court is rejoined at the bench by Chief Justice George and Justice Werdegar. All other officers were present as before shown.

S102530 Michael Edelstein et al., Plaintiffs and Appellants

V.

Patricia Fado, as Director of Elections, etc.,

Defendant and Respondent

Cause called. Therese M. Stewart, San Francisco Chief Deputy City Attorney, argued for Respondent.

J. Michael Schaefer argued for Appellants.

Ms. Stewart replied.

Cause submitted.

S098760 Timothy L. Smith, Plaintiff and Appellant

V.

Rae-Venter Law Group, Defendant and Appellant

Cause called. Ellen Lake argued for Plaintiff and Appellant.

Stephen J. Hirschfeld argued for Defendant and Appellant.

Ms. Lake replied.

Cause submitted.

S032736 The People, Respondent

V.

Maurice Boyette, Appellant

Cause called. Audrey R. Chavez, Deputy California State Public Defender, argued for Appellant.

Christina Vom Saal, Deputy California Attorney General, argued for Respondent.

Ms. Chavez replied.

Cause submitted.

Court recessed until 9:00 a.m., Thursday, September 5, 2002.

C041559 Third Appellate District

AGUAYO (PAUL) ON H.C.

Time extended to grant or deny review

to October 17, 2002.

S035348

PEOPLE v. SMITH (ROBERT LEE)

Extension of time granted

to 11-4-2002 to file appellant's opening brief The court anticipates that after that date, only one further extension totaling 60 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

S042278

PEOPLE v. SAMUELS (MARY ELLEN)

Extension of time granted

to 10-29-2002 to file appellant's opening brief After that date, only one further extension totaling 17 additional days is contemplated. Extension granted based upon counsel Joel Levine's representation that he anticipates filing the brief by 11-15-2002.

S104589

LUCERO (PHILLIP L.) ON H.C.

Extension of time granted

to 10-3-2002 to file the informal response. After that date, only three further extensions totaling 90 additional days will be granted. Extension granted based upon Deputy AG Ronald Jakob's representation that he anticipates filing the document by 1-2-2003.

D036697 Fourth Appellate District,

Division One

PEOPLE v. BARRAGAN

Extension of time granted

to October 10, 2002 to file appellant's (Antonio Barragan) answer brief on the

merits.

S108650

B156228 Second Appellate District,

Division Four

JOHNSON (FOSTER) ON H.C.

Extension of time granted

respondent's time to serve and file the answer to the petition for review is extended to and

including September 11, 2002.

S037006

PEOPLE v. HUGGINS (MICHAEL J.)

Counsel appointment order filed

appointing Jack G. Cairl to represent appellant for habeas corpus/executive clemency proceedings related to the automatic appeal.

S106440

F036055 Fifth Appellate District

PEOPLE v. NEAL

Counsel appointment order filed

Victor J. Morse is hereby appointed to represent appellant on his appeal now pending in this court.

Appellant's brief on the merits shall be served and filed on or before thirty (30) days from the date of this order.

S106706

B155373 Second Appellate District,

Division Six

YOUNG (RONNIE E.) ON H.C.

Counsel appointment order filed

Upon request of appellant for appointment of counsel, David H. Goodwin is hereby appointed to represent appellant on his appeal now pending in this court.

Appellant's brief on the merits shall be served and filed on or before 30 days from the date of this order.

F037882 Fifth Appellate District

PEOPLE v. HOLLIS

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Larry Dixon is hereby appointed to represent appellant on his appeal now pending in this court.

S108119

A093574 First Appellate District,

Division Four

PEOPLE v. DELOUIZE

Counsel appointment order filed

George Benton to represent appellant. Appellant's brief on the merits due on or before 30 days from this order.

S108136

H022775 Sixth Appellate District

PEOPLE v. LAZALDE

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Richard Krech is hereby appointed to represent appellant on his appeal now pending in this court.

S108187

C032839 Third Appellate District

PEOPLE v. STOWELL

Counsel appointment order filed

Upon request of appellant for appointment of counsel, the Central California Appellate Program is hereby appointed to represent appellant on his appeal now pending in this court.

Appellant's brief on the merits shall be served and filed on or before 30 days from the date of this order.

E025710 Fourth Appellate District, E025832 Division Two E026853 E025710

WILSON v. PARKER, COVERT & CHIDESTER Order filed

The order filed on August 1, 2002, is hereby amended to read, in its entirety:

"The time for granting or denying rehearing in the above-entitled case is hereby extended to and including October 30, 2002, or the date upon which rehearing is either granted or denied, whichever occurs first."

S104157

G026525 Fourth Appellate District, Division Three

HAMEID v. NATIONAL FIRE INSURANCE Order filed

The application of Scottsdale Insurance Company for permission to file an amicus curiae brief in support of respondent is hereby granted.

The brief shall be served and filed on or before Sep. 29, 2002.

An answer thereto may be served and filed by any party within 20 days of the filing of the brief.

S108587

RULE 962 SUSPENSION Order filed

The suspension of Odion L. Okojie pursuant to our order filed on July 25, 2002, is hereby terminated.

This order is final forthwith.

S107403

FOX ON DISCIPLINE Recommended discipline imposed

1 year suspension stayed, and that he be actually suspended for 30 days and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California.

S107408 HOSMER ON DISCIPLINE

Recommended discipline imposed

1 year suspension stayed, and that he be placed on probation for 2 years on condition that he be actually suspended for 30 days.

S107542 MARX ON DISCIPLINE

Recommended discipline imposed

1 year suspension stayed, and that he be placed on probation for 2 years subject to the conditions of probation.

S107548 MURCHISON ON DISICPLINE

Recommended discipline imposed

1 year suspension stayed, and that he be placed on probation for 1 year on condition that he be actually suspended for 30 days.

S107549 HARVEY ON DISCIPLINE

Recommended discipline imposed

1 year suspension stayed, and that he be placed on probation for 2 years on condition that he be actually suspended for 30 days.

S107559 TERRELL ON DISCIPLINE

Recommended discipline imposed

30 days suspension stayed, and that he be placed on probation for 2 years subject to the conditions of probation.

S107560 WOODS ON DISCIPLINE

Recommended discipline imposed

1 year suspension stayed, and that she be actually suspended for 90 days.

PRYS ON DISCIPLINE

Recommended discipline imposed

90 days suspension stayed, and that he be placed on probation for 2 years subject to the conditions of probation.

S107562

KOTTO ON DISCIPLINE

Recommended discipline imposed

2 years suspension stayed, and that she be placed on probation for 3 years on condition that she be actually suspended for 6 months.

S108145

BONILLA-SALCIDO ON DISICIPLINE

Recommended discipline imposed

1 year suspension stayed, and that he be placed on probation for 3 years on condition that he be actually suspended for 60 days.

S108152

DICKRELL ON DISCIPLINE

Recommended discipline imposed

1 year suspension stayed, and that he be placed on probation for four years on condition that he be actually suspended for 60 days.

Bar Misc. 4186

(2 orders, for motions #507 & 508)

IN THE MATTER OF THE APPLICATION OF THE COMMITTEE OF BAR EXAMINERS OF THE STATE OF CALIFORNIA FOR ADMISSION OF **ATTORNEYS**

> The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place: (LIST OF NAMES ATTACHED TO

ORIGINAL ORDERS)